

Introduced by Senator Wyland

February 21, 2008

An act to amend Section 47605.1 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1372, as introduced, Wyland. Charter schools: facilities in adjacent counties.

Existing law requires that a charter school, as specified, locate in accordance with the geographic and site limitations, as specified, of the Charter Schools Act of 1992.

Existing law authorizes a charter school to establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized if (1) the facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school, and (2) the charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the school is authorized.

This bill additionally would authorize a charter school to establish a resource center or centers, meeting space or spaces, or other satellite facility or facilities located in the county in which the charter school is authorized, or in a county adjacent to that in which the charter school is authorized if the charter school notifies the superintendent of the school district and the county superintendent of schools in the jurisdiction where the charter school proposes to operate, and the charter authorizer, of the location of the resource center or centers, the meeting space or spaces, or the other satellite facility or facilities at least 30 days prior to commencing those operations. The bill would delete the

requirement that the charter school provide its primary educational services in, and that a majority of the pupils it serves be residents of, the county in which the school is authorized.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47605.1 of the Education Code is
2 amended to read:

3 47605.1. (a) (1) Notwithstanding any other provision of law,
4 a charter school ~~that is granted a charter from the governing board~~
5 ~~of a school district or county office of education after July 1, 2002,~~
6 ~~and commences providing educational services to pupils on or~~
7 ~~after July 1, 2002,~~ shall locate in accordance with the geographic
8 and site limitations of this part.

9 (2) ~~Notwithstanding any other provision of law, a~~ A charter
10 school that is granted a charter ~~by the State Board of Education~~
11 ~~after July 1, 2002, and commences providing educational services~~
12 ~~to pupils on or after July 1, 2002, based on the denial of a petition~~
13 ~~by the governing board of a school district or county board of~~
14 ~~education, as described in paragraphs (1) and (2) of pursuant to~~
15 subdivision (j) of Section 47605, may locate only within the
16 geographic boundaries of the chartering entity that initially denied
17 the petition for the charter, *except as provided in subdivisions (c),*
18 *(d), and (f).*

19 (3) ~~A charter school that receives approval of its charter from~~
20 ~~a governing board of a school district, a county office of education,~~
21 ~~or the State Board of Education prior to July 1, 2002, but does not~~
22 ~~commence operations until after January 1, 2003, shall be subject~~
23 ~~to the geographic limitations of the part, in accordance with~~
24 ~~subdivision (e).~~

25 (b) Nothing in this section is intended to affect the admission
26 requirements contained in subdivision (d) of Section 47605.

27 (c) Notwithstanding any other provision *of law*, a charter school
28 may establish a resource center *or centers*, meeting space *or spaces*,
29 or other satellite facility *or facilities* located in *the county in which*
30 *the charter school is authorized, or in a county adjacent to that in*
31 *which the charter school is authorized if the following conditions*
32 *are met:*

1 (1) The facility is used exclusively for the educational support
2 of pupils who are enrolled in nonclassroom-based independent
3 study of the charter school *in accordance with Article 5.5*
4 *(commencing with Section 51745) of Chapter 5 of Part 28 and*
5 *implementing regulations adopted thereunder.*

6 (2) The charter school ~~provides its primary educational services~~
7 ~~in, and a majority of the pupils it serves are residents of, the county~~
8 ~~in which the school is authorized~~ *notifies the superintendent of the*
9 *school district and the county superintendent of schools in the*
10 *jurisdiction where the charter school proposes to operate, and the*
11 *charter authorizer, of the location of the resource center or centers,*
12 *the meeting space or spaces, or the other satellite facility or*
13 *facilities at least 30 days prior to commencing those operations.*

14 (d) Notwithstanding subdivision (a) or subdivision (a) of Section
15 47605, a charter school that is unable to locate within the
16 geographic boundaries of the chartering school district may
17 establish one site outside the boundaries of the school district, but
18 within the county within which that school district is located, if
19 the school district where the charter school proposes to operate is
20 notified in advance of the charter petition approval, the county
21 superintendent of schools is notified of the location of the charter
22 school before it commences operations, and either of the following
23 circumstances exist:

24 (1) The school has attempted to locate a single site or facility
25 to house the entire program, but such a facility or site is unavailable
26 in the area in which the school chooses to locate.

27 (2) The site is needed for temporary use during a construction
28 or expansion project.

29 ~~(e) (1) For a charter school that was granted approval of its~~
30 ~~charter prior to July 1, 2002, and provided educational services to~~
31 ~~pupils before July 1, 2002, this section shall only apply to any new~~
32 ~~educational services or schoolsites established or acquired by the~~
33 ~~charter school on or after July 1, 2002.~~

34 ~~(2) For a charter school that was granted approval of its charter~~
35 ~~prior to July 1, 2002, but did not provide educational services to~~
36 ~~pupils before July 1, 2002, this section shall only apply upon the~~
37 ~~expiration of a charter that is in existence on January 1, 2003.~~

38 ~~(3) Notwithstanding other implementation timelines in this~~
39 ~~section, by June 30, 2005, or upon the expiration of a charter that~~
40 ~~is in existence on January 1, 2003, whichever is later, all charter~~

1 schools shall be required to comply with this section for schoolsites
2 at which education services are provided to pupils prior to or after
3 July 1, 2002, regardless of whether the charter school initially
4 received approval of its charter school petition prior to July 1,
5 2002. To achieve compliance with this section, a charter school
6 shall be required to receive approval of a charter petition in
7 accordance with this section and Section 47605.

8 ~~(4) Nothing in this section is intended to affect the authority of~~
9 ~~a governmental entity to revoke a charter that is granted on or~~
10 ~~before the effective date of this section.~~

11 ~~(f)~~
12 (e) A charter school that submits its petition directly to a county
13 board of education, as authorized by ~~Sections~~ Section 47605.5 or
14 47605.6, may establish charter school operations only within the
15 geographical boundaries of the county in which that county board
16 of education has jurisdiction, *except as provided in subdivisions*
17 *(c), (d), and (f).*

18 ~~(g)~~
19 (f) Notwithstanding any other provision of law, the jurisdictional
20 limitations set forth in this section do not apply to a charter school
21 that provides instruction exclusively in partnership with any of the
22 following:

23 (1) The federal Workforce Investment Act of 1998 (29 U.S.C.
24 Sec. 2801 et seq.).

25 (2) Federally affiliated Youth Build programs.

26 (3) Federal job corps training or instruction provided pursuant
27 to a memorandum of understanding with the federal provider.

28 (4) The California Conservation Corps or local conservation
29 corps certified by the California Conservation Corps pursuant to
30 ~~Sections Section 14406 or 14507.5 or 14406~~ of the Public
31 Resources Code.

32 (5) Instruction provided to juvenile court school pupils pursuant
33 to subdivision (c) of Section 42238.18 or pursuant to Section 1981
34 for individuals who are placed in a residential facility.